

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.24927 OF 2005

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Dated 23-11- 2005

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Between:

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Smt.K.J.Suvarna

W/o.K.R.Janardhana Gupta,

Ananthapur District

...Petitioner

A N D

The Secretary,

Regional Transport Authority,

Ananthapur District

...Respondent

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.24927 OF 2005

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ORDER:

The husband of the petitioner, by name, K.R.Janardhana Gupta, held a pucca sage carriage permit on the route from Hindupur Municipal Bus Stand to Lepakshi. He intended to reduce the seating capacity, and submitted an application to the respondent herein, and the same was rejected on 10-12-2004. Aggrieved thereby, he filed R.P.No.1 of 2005 before the State Transport Appellate Tribunal. When the R.P. was pending, the husband of the petitioner transferred the vehicle as well as the permit in the name of the petitioner. The R.P. was disposed of on 06-04-2005, by

setting aside the order dated 10-12-2004, directing the reduction of the seating capacity. Based on the same, the petitioner approached the respondent for necessary steps, for reduction of the seating capacity. The respondent refused to accede to the request, on the ground that the order passed by the State Transport Appellate Tribunal in R.P.No.1 of 2005 is in the name of the husband of the petitioner. Thereupon, the petitioner approached the State Transport Appellate Tribunal by filing M.P.No.190 of 2005. The same was rejected on 21-10-2005, on the ground that it does not have the jurisdiction. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

It is not in dispute that the respondent himself approved the transfer of the permit as well as the vehicle, through proceedings dated 05-02-2005. The R.P. came to be filed by the husband of the petitioner before such transfer took place. Once the original proceedings were initiated by the husband of the petitioner, the cause title in the order passed by the Tribunal, in the R.P. also stood in his name. No exception can be taken to the view expressed by the Tribunal as regards its lack of power to amend the cause title. However, since it had emerged that the transfer of the vehicle as well as the permit had taken place with the approval of the respondent, the benefit that had accrued to the transferor of the permit and the vehicle, should enure to the transferee also.

For the foregoing reasons, the writ petition is disposed of, directing the respondent to implement the order in R.P.No.1 of 2005, dated 06-04-2005, notwithstanding the difference as to cause title in it. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.23-11-2005

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